

1887-005 Chancery Causes: Daniel B. Bales, surv. to vs. A. D. Thompson &  
Lee Co.

Robinson, Surgenner, Surgenner Bales & Co., Weston, Jayne

CA-Debt  
T-Property

To the Hon John A. Kelly Judge of the Circuit  
Court of Lee County, Virginia

Humbly Complaining your Orators Daniel B.  
Bales & Mr. Robinson Surviving partners of themselves  
and A. R. Sargenter dead. late Merchants & partners in  
trade under the firm name of Sargenter Bales & Co.  
would respectfully show unto your Honor that on the  
6th day of Nov. 1885. said Sargenter Bales & Co obtained  
two judgements at law before a justice of the peace  
for said county. against one A. D. Thompson which are  
herewith filed marked A & B respectively, and are prayed  
to be made parts of this bill, by the first of which, the  
said firm recovered of said Thompson the sum of \$5.10 with  
legal interest thereon from the 6th day of Nov. 1885 till  
paid and one dollar <sup>& 55 cents</sup> cost before said justice, and by the  
second, they recovered the sum of \$4.33 with legal interest  
thereon from the 31st day of May 1885 till paid and \$1.55  
for cost. And each and every part of said two judgements  
is now due to your said orators as successors of said firm so  
part thereof having ever been paid at any time to any one

Your Orators state that executions were issued on said  
two judgements by the justice who rendered them & were  
placed in the hands of a constable to be levied & collected  
according to law, but instead of doing so, he has returned  
them to the clerk's office of Lee County "no property found" when  
they have been placed by the clerk of the county court on the  
judgment lien docket kept therein, and entered on the  
justice's execution book likewise kept in his office

Complainants state that as their said two judgements



at law amount in the aggregate to less than \$20.00 in order to give your Honor jurisdiction to enforce the lien thereof by bill in equity it became necessary under the Statute in such cases to give to the defendant 60 days notice of the intent to file such bill unless such judgment should be paid on or before said time should expire, And in conformity to the requirement of that Statute your Orators have given said Thompson such notice as is shown by the paper here filed as part hereof marked (B)

Complainants further state that some years ago said A.D. Thompson purchased of said A.R. Surgenner a small tract of land lying on the waters of the "Yellow Branch" some 12 or 13 miles west or southwest from Jonesville containing about        acres more or less adjoining the lands of

And at the time of said purchase said Surgenner executed to said Thompson a deed, by which he bound himself to convey to said Thompson the legal title to said land when the purchase money therefor should be fully paid. And Complainants now state that said purchase money has been fully paid. And although the purchase money has been paid, yet the said A.R. Surgenner died intestate before executing a deed of conveyance <sup>and</sup> for the land so sold by him to said Thompson, & the latter is now the equitable owner thereof. The said A.R. Surgenner at his death left a widow Nancy E. Surgenner, five children his heirs at law to wit John Surgenner, James E. Surgenner, Stephen S. Surgenner, Susan ~~Elizabeth~~ now the wife of Mr. Weston, and Sarah        now the wife of James H. Jaynes; The title to the land so purchased



by said Thompson from A.R. Surgenor at the death of the latter descended to his five heirs above named, and three days after A.R. Surgenor's death, his said son John Surgenor who was over 21 years old died intestate without issue, so that his one fifth of said land descended to his Mother & Brothers and Sisters above named:

Complainants are advised that their said two judgments operate as liens on the equitable title of said A.D. Thompson in said land and that a Court of equity will enforce the lien thereof by decreeing the same to be sold for the rents and profits thereof will not in five years time pay the same and to obtain that relief is the object of this bill

Complainants pray that said A.D. Thompson, Nancy E. Surgenor, Jas. E. Surgenor, S.B. Surgenor, Wm. Weston <sup>Deceased</sup> ~~Eligible~~ Weston, James H. Jayne and Sarah Jayne be made defendants to this bill and be required to answer the same on Oath, and upon a hearing of the same a decree be entered in favor of Complainants against said Thompson for the aggregate amount of said two judgments and costs and that said land or so much thereof as may be necessary be decreed to be sold to pay the same. And Complainants pray for all general relief. May the honorable Court of Equity issue decrees &c.

Henry J. Morgan for Plffs



C 8.16  
 S 4.50  
 A 15.00  
 \$ 27.66

Bales & Robinson Sur. or

vs } Bill in Chy

A. D. Thompson & others.  
 1886, Octo Bill filed

3pa End on A. D.

Thompson & D. Nisi as to him

" Join D. Nisi Croft as to  
 debt, Thompson  
 and continued

1887 Feb'y 3pa & D. as to other  
 debts & D. Nisi as to them

" Mr D. N. Croft & cause  
 Set for hearing

March term these  
 causes consolidated

& Decree for sale

" Aug Decree final



To the honorable John A. Kelly Judge of the  
Circuit Court of Lee County Virginia.

The answer of A. D. Thompson to a  
bill filed in your honor's Court against  
this respondent & others by Bales & Robinson <sup>Surgener & Co</sup>

Respondent reserving the right to except  
to said Complainants bill for any cause  
whenever, answering says it is true, that  
the late firm of Surgener Bales & Co recovered  
against him the two judgments in  
the bill mentioned, and he supposes  
it is true that executions issued thereon  
and were returned as alleged in said  
bill, and that said judgments were dock-  
eted &c as charged therein. And it is  
also true that respondent purchased  
from A. R. Surgener a small tract or  
parcel of land on which he now resides  
but it is not true that the purchase money  
has been fully paid but there is a small  
balance due thereon. And it is not true  
that said land will not rent for a sum  
sufficient in five years to pay and discharge  
said judgments and the small balance  
of purchase money due thereon, but on  
the contrary said land, which contains  
about 40 acres outside of some small  
parcels sold off by respondent, will rent  
for a sum more than sufficient to pay



said judgments and the small balance  
of purchase money thereon, which is be-  
tween one & two dollars, within less than  
five years. And now having answered  
your respondent's prayer to be hence dismissed

A. D. Thompson

Richmond & Orr, attys  
for Respondent.

Virginia, Lee county, to wit.

This day A. D. Thompson personally  
appeared before me and made oath  
that the facts stated in the foregoing  
answer are true to the best of his knowl-  
edge, information & belief. Nov 23rd 1886.

J. H. Syatt & Co

A. D. Thompson

ad. 3

Palmer & Robinson Esqs

Filed in open Court  
by leave thereof  
Nov. 26, 1886.

J. H. Syatt



Bales + Robinson Suro. Peffs	}	In lby
vs.		
A D. Thompson	Deft	
John B. McLin	Peffs	}
vs.		
A D. Thompson	Deft	In lby
l l Bales.	Peffs	}
vs.		
A D. Thompson	Deft	In lby

These causes came on again to be further heard on the papers formerly read therein, and the report of Comr. H. J. Morgan dated June 2 and filed in the cause June 4<sup>th</sup> 1887. Showing that the tract of land in said causes mentioned had been rented out for five years for a sum sufficient to pay the debts and costs of suit and sale; and was argued by counsel. On consideration whereof, said report being accepted to. It is adjudged ordered and decreed that said report, be and the same is hereby confirmed and that R. C. Hamblen the lessee of said land is entitled to the use thereof for 5 years from May 17 1887. and no further action being necessary said these causes are dismissed & stricken from the docket;



Bales Robinson snow

20 } Decm No 2 fuel

A. D. Thompson

Entered page 423

C. O. Book No 3.

J. A. G. Hyatt  
c.c.

Enter this  
12.2.1887

May 30 1887



Bales & Robinson Surr. & Peffs	}	In lch
vs		
A D. Thompson & al	Defts	}
John B. McLin	Peff	
vs.		}
A D. Thompson & al	Defts	
C. C. Bales.	Peff	}
vs.		
A D. Thompson	Deft	In lch

To the Hon H. S. H. Morison Judge of the Circuit Court of Lee County Virginia

The principal and interest and costs at law due in the several small judgments referred to in said three causes, when calculated down to May the 17 1887. amounted to \$73.66 and the costs of said three suits and commissions on renting amounted to \$41.05 & these two sums added together makes the sum of \$114.71

Pursuant to the decree of your Honor entered in said three causes on the 29th day of March 1887. After due advertisement, I proceeded at the front door of the court house of Lee County on the 17th day of May 1887. that being county court day, to offer <sup>for rent</sup> the land in the bills mentioned for the shortest space of time that the same would yield the requisite sum on the terms prescribed by the said decree, when Robert C. Hamblen offered for the use of said land five years the said sum of \$114.71 and no one offering to take the rents and profits of said land for a shorter period and pay said debts and costs, the R. C. Hamblen became the lessee of said land at that price for the period of five years from May 17 1887.



The said R. C. Hamblen thereupon paid me said sum of \$41.05 and executed his note to me as Cont. for \$73.66 with John M. Davell as security bearing interest from date, payable in equal annual installments, during said period of five years.

This little piece of land rented for a good full price, and hence I think this leasing should be confirmed: The security in said note for the deferred payments I regard as perfectly good for the amount thereof & for much more.

As to the \$41.05, the costs of suit and renting I have disposed of the same, as shown in the following tabular statement.

Cash received on day of sale for costs, commission & \$41.05		
By attorneys fee retained in cause of M. Lint. \$15.00		
By 5 per cent commission retained on \$114.05		5.70
1	By this sum paid John A. B. Hyatt. Clerk. fees	16.00.
2	" " " " S. H. Ewing Sheriff fees	6.50
		<u>\$32.20</u>
Or, prepaid this sum.		2.15

From this statement it is seen that after retaining the fees due me, I have paid out \$2.15 more than I have received, which <sup>will</sup> stand to my credit, in the cause.

All which is respectfully submitted

Henry J. Morgan Cont.  
June 2 1887.



Bales & Robinson Survey.  
John B. McLean  
G. C. Bales.

Vol. 3 Low-Report of cutting

A. D. Thompson

Filed June 4 1887.

J. A. Hyatt & Co



Bales & Robinson

vs

A. D. Thompson et al

John B. McLean

vs

Same

And C. C. Bales

vs

Same

W. L. Chey

Received of H. J. Morgan Court, in  
the above styled causes Sixteen  
Dollars my fees in full, including  
fees for dismissing, in said three  
causes, June 1<sup>st</sup> 1887.

J. A. Syatt C. C.

Received of H. J. Morgan Court in the above styled  
causes Six dollars and fifty cents the Sheriff has due  
on them. May 17 1887.

S. H. Ewing J. S.



Baker & Robinson Snow

or } Receipts to H. M.

A. D. Thompson

No. 1. 2



**VIRGINIA--Lee County, to wit:**

To Samuel S. Rose, Constable of said County:

I Hereby Command You to Summon A. D. Thompson, if to be found in your District, to appear at Bay's Harbor Store, in said County, on the 6 day of November, 1885, before me or such other Justice of said County as may then be there, to try this Warrant: to answer the complaint of Surgener Bales & Co and upon a claim for money not exceeding \$100.00, exclusive of interest, to wit: for the sum of \$ 5 10, due by Acct. And then and there make return of this Warrant. Given under my hand the 3 day of Nov, 1885.

Peter Bays, J. P.

Surgener Bales & Co

Against

A. D. Thompson

On the 6 day of Nov, 1885.

In Debt.

At Bay's Harbor Store, in said County.

JUDGMENT, That the Plaintiff recover of the Defendant, \$ 5 10, with interest thereon from the 6 day of November, 1885, till paid, and \$ 1 00 for costs.

Peter Bays, J. P.

**VIRGINIA--Lee County, to wit:**

TO Samuel S. Rose, CONSTABLE OF SAID COUNTY:

I COMMAND YOU, In the name of the Commonwealth of Virginia, that of the goods and chattels of

A. D. Thompson, in your County, you cause to be made the sum of \$ 5 10 with interest thereon from the 6 day of November, 1885, till paid, which Surgener Bales & Co has recovered before me in a Warrant in Debt, and also the sum of \$ 1 00, which were adjudged to said Surgener Bales & Co for costs in prosecuting said Warrant. Given under my hand

6 day of November, 1885.

Peter Bays, J. P.



Surgeon Bales & Co  
 vs { Warrant  
 A. D. Thompson

Executed by S. S. Roseck  
 January the 1886  
 Returned no property  
 found  
 S. S. Roseck

(A)

Filed June 21<sup>st</sup> 1886  
 J. R. Gibson clk  
 Docket Sept 2 1886  
 D. R. G. clk



**VIRGINIA--Lee County, to wit:**

To Samuel S Rose Constable of said County :

I Hereby Command You to Summon A. D Thompson, if to be found in your District, to appear at Bays & Harborstone, in said County, on the 6 day of November 1885, before me or such other Justice of said County as may then be there, to try this Warrant: to answer the complaint of Surgener Bales & Co, and upon a claim for money not exceeding \$100.00, exclusive of interest, to wit: for the sum of \$ 4.33 due by Note. And then and there make return of this Warrant. Given under my hand the 3 day of Nov, 1885.

Peter Bays J. P.

Surgener Bales & Co,  
Against

A. D Thompson

On the 6 day of Nov, 1885.

In Debt.

At Bays & Harborstone in said County.

JUDGMENT. That the Plaintiff recover of the Defendant, \$ 4.33, with interest thereon from the 31 day of May, 1885, till paid, and \$ 1.00 for costs.

Peter Bays, J. P.

**VIRGINIA--Lee County, to wit:**

TO Samuel S Rose, CONSTABLE OF SAID COUNTY:

I COMMAND YOU, In the name of the Commonwealth of Virginia, that of the goods and chattels of A. D Thompson, in your County, you cause to be made the sum of \$ 4.33 with interest thereon from the 31 day of May, 1885, till paid, which has recovered before me in a Warrant in Debt, and also the sum of \$ 1.00, which were adjudged to said Surgener Bales & Co for costs in prosecuting said Warrant. Given under my hand 6 day of November, 1885.

Peter Bays, J. P.



Surgeon Bales & Co  
vs J. Warrant  
J. D. Thompson

Executed by S. S. Rose clk

Returned the 1886  
to of J. Warrant  
no property found

S. S. Rose clk  
Docket Sept 3. 1886.  
J. R. Gibbons clk

(B)

Filed June 21<sup>st</sup> 1886.  
J. R. Gibbons clk.



To Mr A.D. Thompson

Whereas on the 6th day of Nov. 1885 Messrs  
Surgener Bales & Co, before me Peter Bays a justice  
of the peace for Lee County State of Virginia did obtain  
two judgments at law against you, One of which  
is for \$5.10 with interest from Nov. 6 1885, and \$1.00 cost,  
and the other is for \$4.33 with interest from May 31st  
1885 till paid and the cost of \$1.00 and whereas the  
undersigned have incurred the further cost of  
\$1.10 in having said two judgments at law returned  
to the county clerks office of Lee County, and therein  
docketed according to law, and whereas the executions  
which was issued by said justice on said two  
judgments have been returned by the constable  
to whom directed "no property found"

Notice is now therefore given you, that unless  
said two judgments at law with the costs attending  
the same shall be paid within 60 days from this  
day, a bill in chancery in the Circuit Court of Lee  
County will be filed against you, to enforce the  
lien of said judgments by a sale of your lands  
you subjected to the cost thereof

Bales & Robinson Survors of  
Surgener Bales & Co by  
H. J. Morgan atts.  
June 21 1886



Baker & Robinson Surveyors.

vs. } Notice

A. D. Thompson

Executed June 28 1886  
by delivering a  
true copy of this  
notice to A. D.  
Thompson.

S. H. Ewing Deputy  
for R. D. Flanagan & Co.

(6)



Know all men by these presents  
that we H. J. Morgan & J. A.  
Hyatt are held and firmly  
bound unto the Commonwealth  
of Virginia in the just and full  
sum of One Hundred & fifty Dollars  
& for the prompt payment thereof  
well and truly to be made unto  
the said Commonwealth we each  
waive our homestead exemptions  
witness our hands & seals this the  
16 day of May 1887.

The condition of the above obli-  
gation is such that whereas  
the above bound H. J. Morgan  
was appointed Commissioner  
in the Consolidated Chancery  
causes of Bales Robinson Sum-  
ter vs A. D. Thompson et al, and  
John B. McLin vs Same and  
C. C. Bales against Same  
by a decree entered in said  
causes at the March Term  
1887 of Lee Circuit Court.

Now therefore should the  
said H. J. Morgan faithfully  
perform said duties & properly  
account for all sums of



money which he may  
receive under this decree  
then this obligation to be  
void otherwise to remain  
in full force & virtue.

Henry J. Morgan *HJM*  
J. A. Syatt *JAS*

Bales & Robinson et al  
vs  
Court  
Bond

A. L. Thompson et al

Filed May 6 1887  
J. A. Syatt & Co



# The Commonwealth of Virginia,

To the Sheriff of LEE COUNTY--Greeting:

WE COMMAND YOU to summon

*A. D. Thompson Nancy*  
*Surgener, James E. Surgener, S. D.*  
*Surgener Jr. William Weston & Susan Weston*  
*James H. Jayne & Sarah Jayne*

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House  
on the first Monday in *February* next, being Rule Day, to answer a

Bill in Chancery exhibited in our Court against *them*, by *William*  
*Robinson & Daniel B. Bales* Survivors  
of themselves & *A. R. Surgener* dead  
late partners in trade under the firm  
name of *Surgener Bales & Co.*

And have then and there this Writ. Witness, J. A. G. HYATT, Clerk of our said  
Court, at the Court House, this *25<sup>th</sup>* day of *January* 188*7* in  
the 1*1* year of the Commonwealth.

*J. A. G. Hyatt* Clerk.

A Copy Teste:



(C) H. J. M.

Rules & Robinson

vs 3 Spain & Co

A. D. Thompson & Co

To Febry Rules 1887

Executed by delivering  
Office Copies of this  
Spa, to Nancy Surgeon  
James. Surgeon S. S.  
Surgeon J. William  
Boston & his wife and  
James St. John & his  
wife Febry 4<sup>th</sup> 1887.

S. H. Caring Deputy  
for R. D. Flanagan S. L.



• **THE COMMONWEALTH OF VIRGINIA,**

**TO THE SHERIFF OF LEE COUNTY—GREETING :**

WE COMMAND YOU to summon

A. D. Thompson

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House, on the first Monday October next, being Rule Day, to answer a Bill in Chancery exhibited in our

Court against him, by Daniel B. Bales & Wm J. Robinson Survivors of themselves & A. R. Robinson decd late Merchants and Partners in trade under the firm name of Suguen Bales & Robinson

And have then and there this Writ, Witness, J. A. G. HYATT, Clerk of our said Court, at the

Court House, this 29 day of Sept, 1884, in the 110 year of the Commonwealth.

J. A. G. Hyatt Clerk.

A COPY--TESTE :



(H.M.)

Bales & Robinson Sum

us } Spain Chcy

A. D. Thompson

To Octo. Rules 1886

Executed by  
delivering an  
office copy of  
this Spal to A. D.  
Thompson

Sept. 29<sup>th</sup> 1886.

S. H. Ewing J. S.